

REMARKS

This Amendment is submitted in response to the Office Action mailed on February 4, 2004. The Office Action notes that Claims 1 and 10, the only pending independent claims, would be allowable if rewritten to include certain limitations not in the prior art. Applicants believe they have so amended Claims 1 and 10. To the extent these claims do not distinguish over the prior art, Applicants respectfully request that the Patent Office contact Applicants' undersigned attorney.

In addition, the Patent Office has objected to Claims 1-10 on the ground of obviousness-type double patenting in view of U.S. Patent No. 6,582,740. Applicants are submitting herewith a terminal disclaimer with respect to that patent.

Moreover, the Patent Office notes that there is at least one additional pending application having the same inventive entity that is not available to the Patent Office, this application has U.S. Serial No. 10/035,691. The Patent Office has requested a copy of that patent. Applicants are forwarding to the Patent Office a copy of that patent with this response. In addition, the Patent Office has requested any other applications that are pending to the Assignee and relate to multi-layered canned pet food. Applicants note that the following applications were filed by the Assignee and either relate to multi-layered pet food or have one of the inventors of the above-identified patent application as an inventor thereof. To the extent the Patent Office requires any of these documents, Applicants request that the Patent Office contact Applicants' undersigned attorney.

Applicants believe the above-identified patent application is now in a condition for allowance and respectfully request that it be passed to allowance

Respectfully submitted,

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BY 

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Pending Applications to Assignee Nestec S.A.
Relating to Multi-Layered Pet Food

Serial No. Publ. No.	Filing Date Publ. Date	Title
09/833,314 20010041202 A1	11/15/2001	CANNED FILLED PET FOOD
10/035,691 20020090432A1	11/8/2001 7/11/2002	LAYERED CANNED PET FOOD